## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS LUFKIN DIVISON

APPLIED MEDICAL RESOURCES CORP.,	)
Plaintiff,	) ) Civil Action No. 9:06-CV-212
V.	)
TYCO HEALTHCARE GROUP LP and UNITED STATES SURGICAL CORP.,	) ) Judge Keith Giblin )
Defendants.	ý
	)

## STIPULATION AND ORDER OF DISMISSAL

Pursuant to Federal Rule Of Civil Procedure 41(a)(1)(ii), Plaintiff Applied Medical Resources Corp. ("Applied") and Defendants Tyco Healthcare Group LP and United States Surgical Corp. (collectively "Tyco Healthcare"), by and through their respective counsel, hereby stipulate to the following:

Applied agrees that its claims relating to U.S. Patent No. 5,584,850 in Civil Action No. 9:06-CV-212 may be dismissed, with prejudice. Based on this agreement, Tyco Healthcare agrees that its defenses and counterclaims relating to U.S. Patent No. 5,584,850 in Civil Action No. 9:06-CV-212 may be dismissed as moot.

Based on the above stipulation, and in the interest of efficiency and judicial economy, the Court hereby finds, adjudges and rules that Applied's claims relating to U.S. Patent No. 5,584,850 in Civil Action No. 9:06-CV-212 are hereby dismissed, with prejudice. Given this dismissal, Tyco Healthcare's defenses and counterclaims relating to U.S. Patent No. 5,584,850 in Civil Action No. 9:06-CV-212 are hereby dismissed as moot. Given these

dismissals, Civil Action No. 9:06-CV-212 is hereby terminated, with each side to bear its own fees and costs.

This Stipulation And Order Of Dismissal is without prejudice to any claims, defenses and counterclaims in Civil Action No. 9:06-CV-151.

April 29, 2008

Respectfully submitted,

/s/ Robert Christopher Bunt

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## **CERTIFICATE OF SERVICE**

I hereby certify that the all counsel of record, who are deemed to have consented to electronic service are being served this 29<sup>th</sup> day of April, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Robert Christopher Bunt Robert Christopher Bunt